§ 8248. Government Salary Ceiling.

(a) Except as provided by law, no employee of the Commonwealth government shall receive an annual salary of more than $50,000.

(b) Medical professionals, whose primary responsibilities include giving professional medical advice and are licensed to prescribe medicine, U.S. or Commonwealth-licensed attorneys, certified public accountants, engineers, and architects whose primary responsibilities include practice within their profession, and professionals employed by the legislative branch may receive an annual salary in excess of $50,000. For the executive branch, such salaries must be certified by the Governor to the presiding officers of the legislature and the Civil Service Commission. For the legislative branch, such salaries must be approved by the official with expenditure authority.

(c) In the event that the incumbent of any position within the government, agency or corporation is receiving an annual compensation in excess of that authorized by this chapter on June 19, 1991, that incumbent shall continue to receive that amount as long as such salary is authorized under applicable Commonwealth law prior to June 19, 1991. The compensation shall be frozen at that level.

(d) [Redesignated as 1 CMC § 8213(g).]

Source: PL 7-31, § 4, modified (repealing PL 6-23, § 4, which had previously repealed PL 4-32, § 9); amended by PL 8-6, § 4; PL 10-76, § 1, modified; subsection (d) redesignated by PL 11-59, § 2; amended by PL 15-81, § 2.

Commission Comment: In the January 1997 revision, the Commission inserted “this” after “provided by” in subsection (a), correcting an omission in an earlier codification.

PL 10-76, § 1 added a new subsection (d) to this section. Subsections a. to f. of new subsection (d) was revised from letters to numerals to comply with standard code formatting. The effective date of PL 10-76 is December 24, 1997.

PL 11-59, § 2, redesignated subsection (d) as 1 CMC § 8213(e), however, subsections 1 CMC §§ 8213(e) and 8213(f) already exist, so this subsection was redesignated as 1 CMC § 8213(g). PL 11-59 took effect on February 10, 1999. PL 11-59 contained a purpose section that read as follows:

> Section 1. Purpose. The Legislature finds that there has been some misunderstanding relative to the procedural mechanism for providing the lump sum salary bonus intended for civil service employees frozen on Step 12 for two years as enacted in House Bill 10-407 (Public Law 10-76). This Act is intended to clarify the process by providing that the 5% bonus, based on the employee's base salary, is provided to the employee as a lump sum payment every two years once the employee is frozen at Step 12.

PL 15-81 was enacted on September 18, 2007, and contained the following findings and purpose and effective date provisions in addition to severability and savings clauses:

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

Section 1. Findings and Purpose. The Legislature finds that attorneys and certified public accountants serve critical and essential functions within the government of the Commonwealth of the Northern Mariana Islands.

Under Public Law 7-31, § 4(d), an annual salary ceiling of $50,000 was established for government employees, including executive branch attorneys and certified public accountants, effective June 19, 1991. Between October 1, 1998 and October 1, 2006 an annual salary ceiling of $70,000 applied to executive branch attorneys and certified public accountants, under the Appropriations and Budget Authority Act of 1999, Public Law 11-41, § 513 and the Appropriations and Budget Authority Act of 2003, Public Law 13-24, § 514. However, the Appropriations and Budget Authority Act for 2007, Public Law 15-28 did not include a similar provision, causing the already non-competitive salary ceiling for executive branch attorneys to revert to $50,000 for the first time in eight years.

The Legislature finds that the hiring and retention of full-time employees committed to serving the needs of the Commonwealth not only minimizes personnel turnover costs, but in many instances directly enhances government revenues and reduces expenditures. The Legislature further finds that there exist disparities between and within the various branches, agencies and instrumentalities (including autonomous agencies and municipalities) of the Commonwealth as to the amount of compensation paid to qualified professionals employed by the government, whether classified, unclassified, or contract hire, and that uniformity in compensation for similar professional services rendered to the government is, to the extent practicable, desired. As a consequence, the Legislature finds that in order to attract and retain competent and dedicated professional employees to serve the needs of the Commonwealth, exceptions to the ceiling on government salaries established for other classifications of employees are necessary.

Accordingly, the purpose of this bill is to make executive branch attorneys and certified public accountants eligible for annual salary cap exemption certification, on the same basis as other branches, agencies and instrumentalities, effective Fiscal Year 2007.

. . .

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or its becoming law without such approval, and shall apply to salaries paid beginning October 1, 2006